

AMENDED IN SENATE JULY 1, 2003

AMENDED IN SENATE JUNE 23, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 402

Introduced by Assembly Members Shirley Horton and Garcia
(Principal coauthors: Assembly Members Plescia and La Suer)
(Coauthors: Assembly Members Aghazarian, Bates, Dutton,
Houston, Maldonado, Maze, Nakanishi, Pacheco, Runner, and
Samuelian, Spitzer, and Wyland)
(Coauthors: Senators Battin, Denham, Hollingsworth, Knight, and
Oller)

February 14, 2003

An act to amend Section 290.4 of, to add Section 290.45 to, and to add and repeal Section 290.41 of, the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as amended, ~~Plescia~~ *Shirley Horton*. Child pornography.

This bill would state legislative findings and declarations concerning the posting of information concerning high-risk and serious sex offenders on the Internet.

Existing law, operative until January 1, 2004, requires the Department of Justice to continually compile specified information, categorized by community of residence and ZIP Code, regarding any person required to register as a sex offender for a conviction for the commission or attempted commission of any specified sex offense. Existing law requires the Department of Justice to provide a CD-ROM

or other electronic medium containing the compiled sex offender information to certain law enforcement agencies. These law enforcement agencies are required to make the CD-ROM or other electronic medium available for public viewing, as specified. Existing law also requires the department to operate a “900” telephone number that members of the public may call to inquire whether a named individual is listed among those sex offenders about whom the department is required to compile information. Existing law provides that any person who uses information disclosed pursuant to these provisions to commit a misdemeanor or a felony shall be subject to an additional fine of between \$500 and \$1,000, or an additional 5-year term of imprisonment, respectively.

This bill would remove provisions that would repeal these requirements. This bill would also provide, until January 1, 2010, that agencies disseminating information pursuant to these provisions maintain records of those persons requesting to view the information for five years. Because this bill would extend the operation of provisions that define crimes indefinitely, and would extend provisions that impose requirements on local agencies, it would impose local state-mandated local program.

This bill would require the Department of Justice, on or before July 1, 2005, to provide via the Internet specified information including the person’s work address, vehicle information, and vocational information, regarding any person required to register as a sex offender for a commission or attempted commission of any specified sex offenses, to any person 18 years of age or older who is not a registered sex offender. Before being allowed to access the site to view information regarding registered sex offenders, an applicant would be required to acknowledge and agree to comply with certain terms including not to use the information to commit a crime against the registrant, engage in illegal discrimination or harassment, or forward, distribute, or disclose the information viewed, except as authorized by law, all of which would be crimes. This bill would provide that the records of persons requesting to view the Internet Web site are confidential, but that the Department of Justice shall retain those records for one year, to be used for law enforcement investigative purposes only. By creating new crimes relating to information disclosed on the Internet Web site, this bill would impose a state-mandated local program upon local governments.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 posting of information regarding high-risk and serious sex
3 offenders via the Internet furthers civil and remedial purposes, and
4 is not criminal or punitive in nature.
5 (b) It is the intent of the Legislature in enacting this measure to
6 help Californians better protect themselves and their children; it is
7 not the intent of the Legislature to embarrass or harass persons
8 convicted of sex offenses.
9 (c) *It is the intent of the Legislature to phase out the existing*
10 *Megan's Law CD-ROM and "900" telephone number once the*
11 *Megan's Law Internet Web site has become fully operational and*
12 *includes all of the information required by Section 290.45 of the*
13 *Penal Code.*
14 SEC. 2. Section 290.4 of the Penal Code is amended to read:
15 290.4. (a) (1) The Department of Justice shall continually
16 compile information as described in paragraph (2) regarding any
17 person required to register under Section 290 for a conviction of
18 Section 207 or 209 committed with the intent to violate Section
19 261, 286, 288, 288a, or 289; Section 220, except assault to commit
20 mayhem; Section 243.4, provided that the offense is a felony;
21 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;
22 Section 264.1; Section 266, provided that the offense is a felony;

1 Section 266c, provided that the offense is a felony; Section 266j;
2 Section 267; Section 269; paragraph (1) of subdivision (b) of
3 Section 286, provided that the offense is a felony; paragraph (2)
4 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
5 Section 286; Section 288; paragraph (1) of subdivision (b) of
6 Section 288a, provided that the offense is a felony; paragraph (2)
7 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;
8 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of
9 Section 289, provided that the offense is a felony; subdivision (i)
10 or (j) of Section 289; Section 647.6; or the attempted commission
11 of any of these offenses; or the statutory predecessor of any of
12 these offenses or any offense which, if committed or attempted in
13 this state, would have been punishable as one or more of the
14 offenses described in this section. This requirement shall not be
15 applied to a person whose duty to register has been terminated
16 pursuant to paragraph (5) of subdivision (d) of Section 290, or to
17 a person who has been relieved of his or her duty to register under
18 Section 290.5.

19 (2) The information shall be categorized by community of
20 residence and ZIP Code. The information shall include the names
21 and known aliases of the person, photograph, a physical
22 description, gender, race, date of birth, the criminal history, and the
23 address, including ZIP Code, in which the person resides, and any
24 other information that the Department of Justice deems relevant,
25 not including information that would identify the victim.

26 (3) The department shall operate a “900” telephone number
27 that members of the public may call and inquire whether a named
28 individual is listed among those described in this subdivision. The
29 caller shall furnish his or her first name, middle initial, and last
30 name. The department shall ascertain whether a named person
31 reasonably appears to be a person so listed and provide the caller
32 with the information described in paragraph (2), except the
33 department shall not disclose the name or address of a listed
34 person’s employer, or the street address or criminal history of a
35 person listed, except to disclose the ZIP Code area in which the
36 person resides and to describe the specific crimes for which the
37 registrant was required to register. The department shall decide
38 whether the named person reasonably appears to be a person listed,
39 based upon information from the caller providing information that
40 shall include (A) an exact street address, including apartment



1 number, social security number, California driver's license or
2 identification number, or birth date along with additional
3 information that may include any of the following: name, hair
4 color, eye color, height, weight, distinctive markings, ethnicity; or
5 (B) any combination of at least six of the above listed
6 characteristics if an exact birth date or address is not available. If
7 three of the characteristics provided include ethnicity, hair color,
8 and eye color, a seventh identifying characteristic shall be
9 provided. Any information identifying the victim by name, birth
10 date, address, or relation to the registrant shall be excluded by the
11 department.

12 (4) (A) On or before July 1, 1997, the department shall provide
13 a CD-ROM or other electronic medium containing the information
14 described in paragraph (2), except the name or address of a listed
15 person's employer, or the listed person's street address and
16 criminal history other than the specific crimes for which the person
17 was required to register, for all persons described in paragraph (1)
18 of subdivision (a), and shall update and distribute the CD-ROM or
19 other electronic medium on a monthly basis to the sheriff's
20 department in each county, municipal police departments of cities
21 with a population of more than 200,000, and each law enforcement
22 agency listed in subparagraph (I) of paragraph (1) of subdivision
23 (n) of Section 290. These law enforcement agencies may obtain
24 additional copies by purchasing a yearly subscription to the
25 CD-ROM or other electronic medium from the Department of
26 Justice for a yearly subscription fee. The Department of Justice,
27 the sheriffs' departments, and the municipal police departments of
28 cities with a population of more than 200,000 shall make, and the
29 other law enforcement agencies may make, the CD-ROM or other
30 electronic medium available for viewing by the public in
31 accordance with the following: The agency may require that a
32 person applying to view the CD-ROM or other electronic medium
33 express an articulable purpose in order to have access thereto. The
34 applicant shall provide identification in the form of a California
35 driver's license, California identification card, or military
36 identification card and orders with proof of permanent assignment
37 or attachment to a military command or vessel in California,
38 showing the applicant to be at least 18 years of age. The applicant
39 shall sign a statement, on a form provided by the Department of
40 Justice, stating that the applicant is not a registered sex offender,



1 that he or she understands the purpose of the release of information
2 is to allow members of the public to protect themselves and their
3 children from sex offenders, and he or she understands it is
4 unlawful to use information obtained from the CD-ROM or other
5 electronic medium to commit a crime against any registrant or to
6 engage in illegal discrimination or harassment of any registrant.
7 The signed statement shall be maintained in a file in the designated
8 law enforcement agency's office. A person under 18 years of age
9 may accompany an applicant who is that person's parent or legal
10 guardian for the purpose of viewing the CD-ROM or other
11 electronic medium.

12 (B) The records of persons requesting to view the CD-ROM or
13 other electronic medium are confidential, except that a copy of the
14 applications requesting to view the CD-ROM or other electronic
15 medium may be disclosed to law enforcement agencies for law
16 enforcement purposes.

17 (C) Any information identifying the victim by name, birth date,
18 address, or relationship to the registrant shall be excluded from the
19 CD-ROM or other electronic medium.

20 (5) (A) The income from the operation of the "900" telephone
21 number shall be deposited in the Sexual Predator Public
22 Information Account, which is hereby established within the
23 Department of Justice for the purpose of the implementation of this
24 section by the Department of Justice, including all actual and
25 reasonable costs related to establishing and maintaining the
26 information described in subdivision (a) and the CD-ROM or
27 other electronic medium described in this subdivision.

28 (B) The moneys in the Sexual Predator Public Information
29 Account shall consist of income from the operation of the "900"
30 telephone number program authorized by this section, proceeds of
31 the loan made pursuant to Section 6 of the act adding this section,
32 and any other funds made available to the account by the
33 Legislature. Moneys in the account shall be available to the
34 Department of Justice upon appropriation by the Legislature for
35 the purpose specified in subparagraph (A).

36 (C) When the "900" telephone number is called, a preamble
37 shall be played before charges begin to accrue. The preamble shall
38 run at least the length of time required by federal law and shall
39 provide the following information:

40 (i) Notice that the caller's telephone number will be recorded.

1 (ii) The charges for use of the “900” telephone number.

2 (iii) Notice that the caller is required to identify himself or
3 herself to the operator.

4 (iv) Notice that the caller is required to be 18 years of age or
5 older.

6 (v) A warning that it is illegal to use information obtained
7 through the “900” telephone number to commit a crime against
8 any registrant or to engage in illegal discrimination or harassment
9 against any registrant.

10 (vi) Notice that the caller is required to have the birth date,
11 California driver’s license or identification number, social security
12 number, address, or other identifying information regarding the
13 person about whom information is sought in order to achieve a
14 positive identification of that person.

15 (vii) A statement that the number is not a crime hotline and that
16 any suspected criminal activity should be reported to local
17 authorities.

18 (viii) A statement that the caller should have a reasonable
19 suspicion that a person is at risk.

20 (D) The Department of Justice shall expend no more than six
21 hundred thousand dollars (\$600,000) per year from any moneys
22 appropriated by the Legislature from the account.

23 (b) (1) Any person who uses information disclosed pursuant to
24 this section to commit a felony shall be punished, in addition and
25 consecutive to, any other punishment, by a five-year term of
26 imprisonment in the state prison.

27 (2) Any person who, without authorization, uses information
28 disclosed pursuant to this section to commit a misdemeanor shall
29 be subject to, in addition to any other penalty or fine imposed, a
30 fine of not less than five hundred dollars (\$500) and not more than
31 one thousand dollars (\$1,000).

32 (c) The record of the compilation of offender information on
33 each CD-ROM or other electronic medium distributed pursuant to
34 this section shall be used only for law enforcement purposes and
35 the public safety purposes specified in this section and Section
36 290. This record shall not be distributed or removed from the
37 custody of the law enforcement agency that is authorized to retain
38 it. Information obtained from this record shall be disclosed to a
39 member of the public only as provided in this section or Section
40 290, or any other statute expressly authorizing it.

Any person who copies, distributes, discloses, or receives this record or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. This subdivision shall not apply to a law enforcement officer who makes a copy as part of his or her official duties in the course of a criminal investigation, court case, or as otherwise authorized by subdivision (n) of Section 290. This subdivision shall not prohibit copying information by handwriting.

Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(d) Unauthorized removal or destruction of the CD-ROM or other electronic medium from the offices of any law enforcement agency is a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes of relating to any of the following is prohibited:

- (A) Health insurance.
- (B) Insurance.
- (C) Loans.
- (D) Credit.
- (E) Employment.
- (F) Education, scholarships, or fellowships.
- (G) Housing or accommodations.

1 (H) Benefits, privileges, or services provided by any business
2 establishment.

3 (3) (A) Any use of information disclosed pursuant to this
4 section for purposes other than those provided by paragraph (1) of
5 subdivision (e) or in violation of paragraph (2) of subdivision (e)
6 shall make the user liable for the actual damages, and any amount
7 that may be determined by a jury or a court sitting without a jury,
8 not exceeding three times the amount of actual damage, and not
9 less than two hundred fifty dollars (\$250), and attorney's fees,
10 exemplary damages, or a civil penalty not exceeding twenty-five
11 thousand dollars (\$25,000).

12 (B) Whenever there is reasonable cause to believe that any
13 person or group of persons is engaged in a pattern or practice of
14 misuse of the "900" telephone number in violation of paragraph
15 (2) of subdivision (e), the Attorney General, any district attorney,
16 or city attorney, or any person aggrieved by the misuse of that
17 number is authorized to bring a civil action in the appropriate court
18 requesting preventive relief, including an application for a
19 permanent or temporary injunction, restraining order, or other
20 order against the person or group of persons responsible for the
21 pattern or practice of misuse. The foregoing remedies shall be
22 independent of any other remedies or procedures that may be
23 available to an aggrieved party under other provisions of law,
24 including Part 2 (commencing with Section 43) of Division 1 of
25 the Civil Code.

26 (f) This section shall not be deemed to authorize the
27 publication, distribution, or disclosure of the address of any person
28 about whom information can be published, distributed, or
29 disclosed pursuant to this section.

30 (g) Community notification shall be governed by subdivisions
31 (m) and (n) of Section 290.

32 (h) The Department of Justice shall submit to the Legislature
33 an annual report on the operation of the "900" telephone number
34 required by paragraph (3) of subdivision (a) on July 1, 1996, July
35 1, 1997, and July 1, 1998. The annual report shall include all of the
36 following:

37 (1) Number of calls received.

38 (2) Amount of income earned per year through operation of the
39 "900" telephone number.

1 (3) A detailed outline of the amount of money expended and the
2 manner in which it was expended for purposes of this section.

3 (4) Number of calls that resulted in an affirmative response and
4 the number of calls that resulted in a negative response with regard
5 to whether a named individual was listed pursuant to subdivision
6 (a).

7 (5) Number of persons listed pursuant to subdivision (a).

8 (6) A summary of the success of the “900” telephone number
9 program based upon selected factors.

10 (i) Any law enforcement agency and employees of any law
11 enforcement agency shall be immune from liability for good faith
12 conduct under this section. For the purposes of this section, “law
13 enforcement agency” means the Attorney General of California,
14 every district attorney, the Department of Corrections, the
15 Department of the Youth Authority, and every state or local agency
16 expressly authorized by statute to investigate or prosecute law
17 violators.

18 (j) On or before July 1, 2000, the Department of Justice shall
19 make a report to the Legislature concerning the changes to the
20 operation of the “900” telephone number program made by the
21 amendments to this section by Chapter 908 of the Statutes of 1996.
22 The report shall include all of the following:

23 (1) Number of calls received by county.

24 (2) Number of calls that resulted in an affirmative response and
25 the number of calls that resulted in a negative response with regard
26 to whether a named individual was listed pursuant to subdivision
27 (a).

28 (3) Number of persons listed pursuant to subdivision (a).

29 (4) Statistical information concerning prosecutions of persons
30 for misuse of the “900” telephone number program, including the
31 outcomes of those prosecutions.

32 (5) A summary of the success of the “900” telephone number
33 based upon selected factors.

34 (k) The registration and public notification provisions of this
35 section are applicable to every person described in these sections,
36 without regard to when his or her crimes were committed or his or
37 her duty to register pursuant to this section arose, and to every
38 offense described in these sections, regardless of when it was
39 committed.

(l) No later than December 31, 1998, the Department of Justice shall prepare an informational pamphlet that shall be mailed to any member of the public who makes an inquiry using the “900” telephone number required by this section and who provides an address. The pamphlet shall provide basic information concerning appropriate steps parents, guardians, and other responsible adults can take to ensure a child is safe from a suspected child molester, including, but not limited to, how to identify suspicious activity by an adult, common facts and myths about child molesters, and how to obtain additional help and information. A notice to callers to the “900” telephone number that they will receive the pamphlet, if an address is provided, shall be included in the preamble required by this section.

(m) On or before July 1, 2001, and every year thereafter, the Department of Justice shall make a report to the Legislature concerning the operation of this section.

SEC. 3. Section 290.41 is added to the Penal Code, to read:

290.41. (a) Agencies that disseminate information to the public pursuant to Section 290.4 as it existed prior to July 1, 2005, shall maintain records of those persons requesting to view the information provided by CD-ROM or other electronic media for a minimum of five years.

(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 4. Section 290.45 is added to the Penal Code, to read:

290.45. (a) On or before July 1, 2005, the Department of Justice shall provide the following information via the Internet with respect to all serious sex offenders, as specified in paragraph (1) of subdivision (a) of Section 290.4:

(1) The information described in paragraph (2) of subdivision (a) of Section 290.4, the person’s work address, a description and the license plate number of the offender vehicle or vehicles the offender is known to drive, the offender’s enrollment, employment, volunteer, or vocational status with any university, college, community college, or other institution of higher learning.

(2) A “yes” or “no” notation indicating whether the person has ever committed crimes against children.

(3) Whether the offender is in compliance with the registration requirements of Section 290 or cannot be located, and a notation of the date and time the information was last updated.

(b) (1) Any adult person in this state, other than a person required to register under Section 290, may apply to view the Internet Web site.

(2) A qualified applicant shall not be able to view the Internet Web site until the applicant first clicks on a box that signifies that the applicant acknowledges or agrees to comply with the following terms:

(A) The applicant is not a registered sex offender.

(B) The applicant understands that the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders.

(C) The applicant understands that it is unlawful to use information obtained from this Internet Web site to commit a crime against any registrant, engage in illegal discrimination or harassment of any registrant, or copy, forward, or distribute the information viewed, except as authorized by law.

(3) A permanent record of this agreement shall be maintained by the ~~designated law enforcement agency's office~~ *Department of Justice*.

(4) A person under 18 years of age may accompany an applicant who is that person's parent or legal guardian for the purpose of viewing the Internet Web site.

(c) The records of persons requesting to view the Internet Web site are confidential, but the Department of Justice shall retain the records for one year, to be used for law enforcement investigative purposes only.

(d) Any information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Internet Web site.

(e) (1) Any person who uses information disclosed pursuant to this section to commit a felony is punishable, in addition and consecutive to any other punishment imposed, by imprisonment in the state prison for a period of five years.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor is punishable, in addition to any other penalty or fine imposed, by a

1 fine of not less than five hundred dollars (\$500) and not more than
2 one thousand dollars (\$1,000).

3 (f) (1) The record of the compilation of offender information
4 on each Internet Web site disclosed pursuant to this section shall
5 be used only for law enforcement purposes and the public safety
6 purposes specified in this section and Section 290.

7 (2) This record shall not be distributed or removed from the
8 custody of the law enforcement agency that is authorized to retain
9 it.

10 (3) Information obtained from this record shall be disclosed to
11 a member of the public only as provided in this section, Section
12 290, Section 290.4, or any other statute expressly authorizing it.

13 (g) (1) Any person who forwards, distributes, or discloses this
14 record or information from it, except as authorized by law, is guilty
15 of a misdemeanor, punishable by imprisonment in a county jail for
16 a period not to exceed six months, or by a fine not exceeding one
17 thousand dollars (\$1,000), or by both that imprisonment and fine.

18 (2) This subdivision shall not apply to a law enforcement
19 officer who makes a copy as part of his or her official duties in the
20 course of a criminal investigation, court case, or as otherwise
21 authorized by subdivision (n) of Section 290.

22 (3) This subdivision shall not prohibit copying information by
23 handwriting.

24 (h) Notwithstanding Section 6254.5 of the Government Code,
25 disclosure of information pursuant to this section is not a waiver
26 of exemptions under Chapter 3.5 (commencing with Section
27 6250) of Division 7 of Title 1 of the Government Code and does
28 not affect other statutory restrictions on disclosure in other
29 situations.

30 (i) (1) (A) A person is authorized to use information disclosed
31 pursuant to this section only to protect a person at risk.

32 (B) This section shall not affect authorized access to, or use of,
33 information pursuant to, among other provisions including,
34 Sections 11105 and 11105.3 of this code, Sections 8712, 8811, and
35 8908 of the Family Code, Sections 777.5 and 14409.2 of the
36 Financial Code, Sections 1522.01 and 1596.871 of the Health and
37 Safety Code, and Section 432.7 of the Labor Code.

38 (2) Except as authorized under paragraph (1) or any other
39 provision of law, use of any information that is disclosed pursuant

1 to this section for purposes of, or relating to, any of the following
2 is prohibited:

3 (A) Health insurance.

4 (B) Insurance.

5 (C) Loans.

6 (D) Credit.

7 (E) Employment.

8 (F) Education, scholarships, or fellowships.

9 (G) Housing or accommodations.

10 (H) Benefits, privileges, or services provided by any business
11 establishment.

12 (j) This section shall not be deemed to authorize the
13 publication, distribution, or disclosure of the address of any person
14 about whom information can be published, distributed, or
15 disclosed pursuant to this section.

16 (k) (1) Any law enforcement agency or employee of a law
17 enforcement agency shall be immune from liability for good faith
18 conduct under this section.

19 (2) For the purposes of this section, “law enforcement agency”
20 means the Office of the Attorney General, every district attorney,
21 the Department of Corrections, the Department of the Youth
22 Authority, and every other state or local agency expressly
23 authorized by statute to investigate or prosecute law violators.

24 (l) The public notification provisions of this section are
25 applicable to every person described in these sections, without
26 regard to when his or her crimes were committed or his or her duty
27 to register as a sex offender arose, and to every offense described
28 in this section, regardless of when it was committed.

29 (m) The Department of Justice shall be authorized to establish
30 guidelines for the creation and operation of the system specified
31 in this section.

32 SEC. 5. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution for
34 certain costs that may be incurred by a local agency or school
35 district because in that regard this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 However, notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains other costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code. If the statewide cost of the
7 claim for reimbursement does not exceed one million dollars
8 (\$1,000,000), reimbursement shall be made from the State
9 Mandates Claims Fund.

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